

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24831 of 2017

Arising Out of PS. Case No.-6 Year-2015 Thana- C.B.I CASE District- Patna

Meera Upadhyay, wife of Sri Indrajeet Upadhyay, resident of Mohalla- Maula Bagh, Nala Road, Near Shikshak Sangh, P.S.- Nawada, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar Through C. B. I. South Bihar, Patna.

... .. Opposite Party/s

with

Criminal Miscellaneous No. 28438 of 2017

Arising Out of PS. Case No.-6 Year-2015 Thana- C.B.I CASE District- Patna

Indrajit Upadhyay, son of Late Sarju Upadhyay, R/o Mohalla- Maula Bagh, Nala Road, Near Shikshak Sangh, P.S.- Nawada, District- Bhojpur (Ara).

... .. Petitioner/s

Versus

The State of Bihar Through C. B. I., South Bihar, Patna.

... .. Opposite Party/s

with

Criminal Miscellaneous No. 28600 of 2017

Arising Out of PS. Case No.-6 Year-2015 Thana- C.B.I CASE District- Patna

Ashish Kumar Keshri @ Ashish Kumar, S/o Sri Dilip Prasad Keshri, Resident of Judge Bazar, Police Station Bihia, District- Bhojpur (Ara).

... .. Petitioner/s

Versus

The State of Bihar through C. B. I., South Bihar, Patna.

... .. Opposite Party/s

Appearance :

(In Criminal Miscellaneous No. 24831 of 2017)

For the Petitioner/s	:	Mr. Bindhyachal Singh, Adv. Mr. Sushil Kr. Singh, Adv. Mr. Vipin Kr. Singh, Adv.
For the O.P. No.1	:	Mr. Sanjay Kumar, SC, CBI
For the O.P. No.2	:	Mr. Nishi Nath Ojha, Adv.

(In Criminal Miscellaneous No. 28438 of 2017)

For the Petitioner/s	:	Mr. Bindhyachal Singh, Adv. Mr. Sushil Kr. Singh, Adv. Mr. Vipin Kr. Singh, Adv.
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For the O.P. No.1 : Mr. Sanjay Kumar, SC, CBI
For the O.P. No.2 : Mr. Nishi Nath Ojha, Adv.

(In Criminal Miscellaneous No. 28600 of 2017)

For the Petitioner/s : Mr. Bindhyachal Singh, Adv.
Mr. Sushil Kr. Singh, Adv.
Mr. Vipin Kr. Singh, Adv.
For the O.P. No.1 : Mr. Sanjay Kumar, SC, CBI
For the O.P. No.2 : Mr. Nishi Nath Ojha, Adv.

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

14 16-05-2018 Heard learned counsel for the petitioners and learned
counsel for the Bank as also counsel for the C.B.I.

In all the cases, the petitioners are apprehending their arrest in connection with Special Case No.2 of 2015 arising out of R.C. Case No.6 (A) of 2015 registered for offences under sections 120B, 409, 420, 467, 468, 471, 477A of the Indian Penal Code and Section 13(2) read with 13(1)(c)(d) of the P.C. Act., 1988.

Learned counsel for the petitioners submits that the petitioners have paid substantial amount of what they have taken as a loan and are also ready to pay the rest of the amount. He has further submitted that the petitioners are ready to pay the entire amount within a period of two years.

Learned counsel for the Bank has taken instruction and made a statement that the said amount should be paid within a period of six months.

Two years is too long and this period cannot be



granted to the petitioners for payment of the entire dues. As per statement of account, it reflects that the petitioners are liable to pay Rs. 62,43,520/- standing against them as on 28.03.2018.

Let the petitioners should clear all the dues within a period of one year in equal installments.

In view of the fact that the petitioners are ready to pay the entire due amount within the aforesaid period of one year in equal installments, let the petitioners, namely, Meera Upadhyay (petitioner in Cr. Misc. No. 24831 of 2017), Indrajit Upadhyay (petitioner in Cr. Misc. No. 28438 of 2017) and Ashish Kumar Keshri @ Ashish Kumar (petitioner in Cr. Misc. No. 28600 of 2017), in the event of their arrest or surrender before the court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, CBI-I, Patna in connection with Special Case No. 2 of 2015 arising out of R.C. Case No. 6 (A) of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also subject to condition that whenever the police will call the petitioners for investigation/interrogation, they will remain present and if they would not present themselves, the privilege of grant of



anticipatory bail shall be deemed to have been canceled. It is also made clear that one of the bailors will be close family relative of the petitioners.

It goes without saying that if the petitioners would fail to pay the two consecutive installments, the present anticipatory bail will be treated to have been withdrawn and the prosecution will be at liberty to take action against the petitioners in accordance with law.

(Shivaji Pandey, J)

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